

R E M A R K S

A. INTRODUCTION

Claims 1-8, 15, 33 and 35-43 are pending and rejected.

Upon entry of the accompanying Amendment:

- Claims 1-8, 15, 33 and 35-43 will be pending
- Claims 1, 15, 33, 37, 38 and 40 will be amended
- Claims 41-43 will be cancelled without prejudice
- Claims 1, 15 and 33 will be the only independent claims

B. SUMMARY OF TELEPHONE INTERVIEW WITH EXAMINER

Applicants are grateful to the Examiner for extending the courtesy of a Telephone Interview with Applicants' representative on October 15, 2010. Although agreement was not reached with respect to patentability of any claim, Applicants appreciate the opportunity to discuss the cited references (Manfredi and Ginsberg) and pending claims with the Examiner.

C. REQUEST FOR TELEPHONE INTERVIEW WITH EXAMINER

Applicants request a telephone interview with the Examiner to discuss the claims as amended and the arguments provided in this Reply. The Examiner is encouraged to contact Applicants' representative to schedule an interview at the Examiner's convenience.

D. AMENDMENTS TO THE CLAIMS

Although Applicants do not necessarily believe any such changes are necessary for any reason related to patentability, Claims 1, 15, 33, 37, 38 and 40 have been amended with this Reply. Applicants reserve the right to pursue in one or more continuing applications the subject matter of the amended claims as they stood at any time prior to this Amendment.

Claim 1 has been amended to recite particular desirable embodiments including an input device in communication with the processor. Claim 1 has also been amended to provide for receiving a signal indicating the wager amount selected by the player. Claim 1 has also been amended to provide for determining that the wager amount selected is greater than a predetermined amount associated with a triggering condition for presenting a confirmation message to the player before accepting the wager amount, and to provide such determining after receiving the signal indicating the wager amount but before accepting the wager

amount. A feature in which the wager amount selected is not greater than the predetermined amount has been removed.

Claim 1 has also been amended to provide for displaying a confirmation message in response to determining that the wager amount selected is greater than the predetermined amount. Claim 1 also provides for receiving a signal initiated by the player via the input device, the signal indicating that the player desires to place the wager amount after receiving the confirmation message, and accepting the wager amount and initiating play of the wagering game after receiving the signal initiated by the player.

Similar revisions have been made to the computer readable medium of independent Claim 33. No new matter has been added. Support for the amendments may be found in the published application at least at [0131], [0297-299], [0472-513], FIGs. 11, 13A-13C.

Claim 15 has been amended to recite particular desirable embodiments including a first input device and a second input device in communication with the processor. The first and second input devices may be, but are not necessarily, different input devices.

Claim 15 has also been revised to move some previously recited subject matter within the claim for stylistic reasons and not for any reason related to patentability.

Claim 15 has also been amended to provide for receiving a request to initiate a handle pull of the wagering game at the gaming device wherein the request comprises a game initiation signal generated by the first input device in response to a player actuating the first input device (e.g., actuation of a “start” or “spin” button).

Claim 15 has also been amended to recite explicitly that some of the recited functionality is performed after receiving the request to initiate the handle pull and before initiating the handle pull, including the steps of: determining a cost to play the wagering game, determining that the cost to play the wagering game is greater than a predetermined cost associated with a triggering condition for presenting confirmation information to the player, determining to present confirmation information to the player in response to determining that the cost to play is greater than the predetermined cost, determining confirmation information to present, determining an available balance of the player, presenting the confirmation information to the player, and receiving a signal initiated by the player via the second input device in response to the presenting of the confirmation information to the player, the signal indicating that the player confirms the confirmation information and desires to initiate the handle pull of the wagering game.

Claim 15 has also been amended to recite initiating the handle pull after receiving the signal indicating that the player confirms the confirmation information.

No new matter has been added by the changes to Claim 15. Support for the amendments may be found in the published application at least at [0031], [0131], [0297-299], [0472-513], FIGs. 11, 13A-13C.

Claim 37 has been amended to recite that a representation of the recited ratio is included in the confirmation message. No new matter has been added.

Claim 38 has been amended consistent with a corresponding change to Claim 1. No new matter has been added.

An obvious and inadvertent error has been corrected in Claim 40, which now depends as intended to Claim 39.

Claims 41-43 have been canceled solely for business reasons and in order to expedite allowance of the present Application. Applicants reserve the right to pursue the subject matter of the canceled claims in one or more continuing applications.

E. SECTION 101 REJECTION

Claim 33 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter for could be a carrier wave. Applicants have adopted the Examiner's suggestion that Claim 33 be amended to recite a non-transitory computer readable medium. Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the Section 101 rejection of Claim 33.

F. SECTION 112 ¶ 1 REJECTION: LACK OF WRITTEN DESCRIPTION

Claims 1 and 33 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time of filing. Applicants respectfully traverse the Examiner's Section 112 ¶ 1 rejection of Claims 1 and 33.

Specifically, the Examiner states that the feature of "verifying that the wager amount does not exceed the balance of funds" is not described. [Office Action, page 2-3].

However, solely in order to expedite allowance of the present Application Applicants have removed the feature in dispute from Claims 1 and 33. Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the Section 112(1) rejections.

G. SECTION 102(E) REJECTION: GINSBERG

Claims 1, 2, 7, 8 and 33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0073021 to Ginsberg et al. (“Ginsberg” herein). Claims 1 and 33 are independent.

Applicants respectfully disagree with the Examiner’s anticipation rejection based on Ginsberg for at least the reasons stated in their prior reply submitted February 25, 2010, now incorporated by reference.

Applicants, however, have amended each of Claims 1 and 33. Each of Claims 1 and 33 recites the following features not taught or suggested by Ginsberg (emphasis added):

after receiving the signal indicating the wager amount selected by the player for placement on the wagering game by the player and before accepting the wager amount for the wagering game, determining that the wager amount selected is greater than a predetermined amount associated with a triggering condition for presenting a confirmation message to the player before accepting the wager amount, wherein the predetermined amount is distinct from a minimum wager amount that may be required to play the game;

in response to determining that the wager amount selected is greater than the predetermined amount, displaying a confirmation message, such that the wager amount selected is not accepted until at least the confirmation message is displayed;

receiving a signal initiated by the player via the input device after displaying the confirmation message, the signal indicating that the player desires to place the wager amount after receiving the confirmation message; and

after receiving the signal indicating that the player desires to place the wager amount after receiving the confirmation message, accepting the wager amount and initiating play of the wagering game.

Accordingly, each of Claims 1 and 33 provides for functionality in which a player may select a wager amount for placement on a wagering game, but before play is initiated or the wager amount accepted, a processor (e.g., of a gaming apparatus) first provides for comparing the selected wager amount to a predetermined amount associated with a triggering condition for presenting a confirmation message to a player, presenting the confirmation message, and receiving a signal initiated by the player that indicates the player, after receiving the confirmation message, desires to place the wager amount. As described in the Specification, such embodiments provide advantageously for allowing the player

to providing a message to the player in certain circumstances and allowing the player to confirm, after the player has selected a wager amount, that the player is not making an inadvertent mistake or taking a rash action and wishes to continue with the placement of the wager amount already selected (e.g., for a current handle pull).

Ginsberg, in contrast, in focusing on a backwards-looking approach for tracking past wagering history, does not provide or suggest such benefits or motivation to provide for such benefits related to current initiation of a wager placement.

For at least these reasons, Applicants respectfully submit that Ginsberg does not teach or suggest all of the features of any of the pending claims, including Claims 1, 2, 7, 8 and 33. Applicants request the Examiner's reconsideration and withdrawal of the Section 102(e) rejection of Claims 1 and 33.

H. SECTION 102(E) REJECTION: MANFREDI

Claims 1, 2, 7, 8 and 33 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0190944 to Manfredi et al. ("Manfredi" herein). Claims 1 and 33 are independent.

Applicants respectfully disagree with the Examiner's anticipation rejection based on Manfredi and the findings on which the rejection is based. In particular, Applicants respectfully submit that, contrary to what is asserted in the Office Action, "when a self-limit is triggered the confirmation message of Fig. 4 'Notify Me'" of Manfredi does not result in the "message of Fig. 5 asking to cancel the self-limit e.g., yes/no, if no the wager proceeds." [page 5].

The message described in Fig. 5 is not the result of any "Notify Me" message, nor does it describe any confirmation message or other message to which a player may respond to determine whether or not a particular wager proceeds, nor does it describe a situation in which a player may cancel a self-limit for any particular wager. Instead, Fig. 5 merely describes the ability of the Manfredi system to allow a user to cancel a self-limit currently in effect (e.g., via a kiosk for setting/modifying/cancelling limits)—the finding that such a function is available as a result of receiving a "Notify Me" message is not supported by Manfredi.

For at least these reasons, Applicants submit that the Office Action fails to establish a prima facie case of anticipation for any of Claims 1, 2, 7, 8 or 33 as they stood prior to the accompanying amendment.

Although Applicants do not believe any such amendments are necessary, Applicants have amended each of Claims 1 and 33 as described above. Each of

Claims 1 and 33 recites the following features not taught or suggested by Manfredi (emphasis added):

receiving a signal initiated by the player via the input device after displaying the confirmation message, the signal indicating that the player desires to place the wager amount after receiving the confirmation message; and

after receiving the signal indicating that the player desires to place the wager amount after receiving the confirmation message, accepting the wager amount and initiating play of the wagering game

Accordingly, as discussed above, each of independent Claims 1 and 33 provides for functionality in which a player may select a wager amount for placement on a wagering game, but before play is initiated or the wager amount accepted, a processor (e.g., of a gaming apparatus) first provides for presenting the confirmation message and receiving a signal initiated by the player that indicates the player, after receiving the confirmation message, desires to place the wager amount. As described in the Specification, such embodiments provide advantageously for allowing the player to providing a message to the player in certain circumstances and allowing the player to confirm, after the player has selected a wager amount, that the player is not making an inadvertent mistake or taking a rash action and wishes to continue with the placement of the wager amount already selected (e.g., for a current handle pull).

Manfredi, in contrast, provides for either prohibiting a selected wager above a threshold amount from proceeding or allowing a selected wager above a threshold amount to proceed without requiring confirmation from the player.

For at least these reasons, Applicants respectfully submit that Manfredi does not teach or suggest all of the features of any of the pending claims, including Claims 1, 2, 7, 8 and 33. Applicants request the Examiner's reconsideration and withdrawal of the Section 102(e) rejection of Claims 1 and 33.

I. SECTION 103(A) REJECTIONS

Claims 3-6, 15 and 35-43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Manfredi, and further in view of Walker (U.S. Patent No. 6,077,163). Applicants respectfully traverse the Examiner's Section 103(a) rejection.

Claims 41-43 have been cancelled without prejudice.

With respect to Claims 3-6 and 35-40, which depend from Claim 1, Applicants understand the Office Action is relying upon the alleged findings asserted with respect to independent Claim 1. Applicants accordingly and

respectfully traverse the Section 103(a) rejections of Claims 3-6 and 35-40 for at least the reasons stated above with respect to the Section 102(e) rejection of Claim 1 based on Manfredi. In particular, as Manfredi does not teach all of the features for which it is asserted with respect to Claim 1 (e.g., no cancellation function is available as a result of a “Notify Me” message), it does not teach all of the features of any of dependent Claims 3-6 or 35-40.

Applicants also respectfully dispute the finding in the Office Action that all of the subject matter of Claims 35-40 is merely considered “printed matter” for purposes of evaluating obviousness. [page 12]. In re Gulack does not support this conclusion. The limitations that are ignored define structurally the recited computer readable medium component of Claim 1 (by defining the recited instructions).

Regardless, Applicants respectfully note that the recited claims require (per Claim 1 as amended) a signal initiated by a player after displaying the confirmation message, the signal indicating that the player desires to place the wager amount after receiving the confirmation message. Accordingly, Applicants submit that the various recited types of confirmation messages satisfy the Office Action’s “functional relationship” test by explicitly linking the received signal to the content of the confirmation message (even if Applicants do not necessarily agree with the propriety of or description of that test in the Office Action).

Applicants respectfully request the Examiner’s reconsideration and withdrawal of the Section 103(a) rejection of Claims 3-6 and 35-40.

With respect to Claim 15, the Office Action again alleges that Manfredi teaches receiving a notification and then receiving another notification asking if he would like to opt out of the self-limit criteria. [page 10]. As discussed above, Manfredi does not teach that the “opt out” function is in any way related to or caused by receiving the “Notify Me” message. For at least this reason, Applicants respectfully traverse the Section 103(a) rejection of Claim 15.

Further, Applicants have amended Claim 15 to provide for the following features (emphasis added):

receiving a request to initiate a handle pull of the wagering game at the gaming device,

wherein the request to initiate a handle pull comprises a game initiation signal generated by the first input device in response to a player actuating the first input device;

after receiving the request to initiate the handle pull and before initiating the handle pull:

determining a cost to play the wagering game,

determining that the cost to play the wagering game is greater than a predetermined cost associated with a triggering condition for presenting confirmation information to the player,

wherein the predetermined cost is distinct from a minimum wager amount required to play the game,

determining to present confirmation information to the player in response to determining that the cost to play the wagering game is greater than the predetermined cost,

determining confirmation information to present to the player,

determining an available balance of the player for the wagering game,

presenting the confirmation information to the player,

in which the confirmation information includes an indication of the cost to play the game as a percentage of the available balance, and

receiving a signal initiated by the player via the second input device in response to the presenting of the confirmation information to the player, the signal indicating that the player confirms the confirmation information and desires to initiate the handle pull of the wagering game;

decrementing a credit balance associated with the player; and

after receiving the signal indicating that the player confirms the confirmation information, initiating the handle pull of the wagering game at the gaming device.

In contrast, although Manfredi describes the ability to cancel a self-limit, Manfredi does not appear to teach or suggest allowing a player to confirm the player wants to proceed with a requested handle pull once the player has requested to initiate the handle pull, or before initiating the handle pull determining to present confirmation information based on the cost to play the game, presenting the confirmation information and receiving a signal indicating the player confirms the confirmation information, and then initiating the handle pull.

For at least these reasons, Applicants respectfully submit that the proposed combination of Manfredi and Walker does not teach or suggest all of the features of any of the pending claims, including Claims 3-6, 15 and 35-43. Applicants request the Examiner's reconsideration and withdrawal of the Section 103(a) rejection of Claims 3-6, 15 and 35-43.

J. ADDITIONAL COMMENTS

Applicants' silence with respect to the Examiner's other various assertions not explicitly addressed in this paper, including assertions of what the cited reference(s) teach or suggest, the Examiner's interpretation of claimed subject matter or the Specification, or the propriety of any asserted combination(s) of teachings, is not to be understood as agreement with the Examiner. As the Examiner has not established an un rebuttable prima facie case for rejecting any of the claims as pending, for at least the reasons stated in this paper, Applicants need not address all of the Examiner's assertions at this time. Also, the absence of arguments for patentability other than those presented in this paper should not be construed as either a disclaimer of such arguments or as an indication that such arguments are not believed to be meritorious.

K. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES

Applicants understand that a two-month extension of time to respond to the Office Action is necessary.

Please grant a petition for any extension of time required to make this Response timely. Please also charge any other appropriate fees set forth in 37 C.F.R. §§ 1.16 – 1.18 for this paper and for any accompanying papers to:

Charge: \$490.00

Deposit Account: 50-2071

Order No.: 03-018

Please credit any overpayment to the same account.

L. CONCLUSION

Applicants submit that all of the claims are in condition for allowance and respectfully request the Examiner's consideration of the present Application.

If the Examiner has any questions regarding this paper or the present Application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 438-6408 or via electronic mail at mdowns@finchamdowns.com.

Respectfully submitted,

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